

November 1, 1955

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CONCORD, N.H.

Mr. Winslow E. Melvin
Transportation Director
N. H. Public Utilities Commission
State House Annex
Concord, New Hampshire

Dear Mr. Melvin:

In a letter of October 26, 1955, you referred to RSA 375:2 and RSA 376:13; you inquired whether the requirements of these sections with respect to the filing of an indemnity bond or policy of insurance might be met by filing with the Commission an appropriate certificate rather than the bond or policy itself. We answer in the negative.

RSA 375:2 deals with the registration of motor carriers of property. An applicant for registration as such must "file with the commission . . .: II. An indemnity bond or insurance policy . . ." for the protection of the owners of goods carried. By RSA 376:13 a motor carrier of passengers in order to be so certificated is required to "file with the commission . . . an insurance policy or indemnity bond" provided for the satisfaction of certain judgments, if any are obtained against the carrier.

In each instance the language of the statute is so clear as to leave no doubt as to its meaning. The condition prescribed is the filing of the policy or the bond with the Commission. The filing of something else is not compliance. The fact that the persons for whose benefit the policies or bonds are intended might be protected equally as well in some other manner is totally immaterial; the sole matter for the Commission is the determination of the means chosen by the Legislature, such determination to be made through the language used.

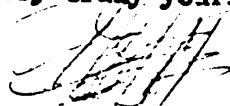
Mr. Winslow E. Melvin

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The language used in the statutes requires the filing of the policy or the bond as a condition precedent to the issuance and continuance of a certificate or permit. Only upon such filing will the condition be met.

Very truly yours,


Warren E. Waters
Deputy Attorney General

WEM/cml

cc: The Council of State Governments